

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

CHANTELLE KREUTTER, derivatively on behalf of TELADOC HEALTH, INC.,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Timothy Brown, The Brown Law Firm, P.C., 240 Townsend Square, Oyster Bay,
NY 11771, (516) 922-5427

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Sections 14(a) of the Securities Exchange Act of 1934, Breach of Fiduciary Duty

DEFENDANTS

JASON GOREVIC, MARK HIRSCHHORN, HELEN DARLING, MARTIN R. FELSETHAL, WILLIAM H. FRIST, MICHAEL GOLDSTEIN, THOMAS MAWHINNEY, THOMAS G. MCKINLEY, BRIAN MCANDREWS, ARNEEK MULTANI, JAMES OUTLAND, KENNETH H. PAULUS, DAVID SHEDLARZ, and DAVID B. SNOW, JR., and TELADOC HEALTH, INC.

ATTORNEYS (IF KNOWN)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒

Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	21 USC 881	28 USC 157	REAPPORTIONMENT
INSTRUMENT	SLANDER	PRODUCT LIABILITY	[] 690 OTHER		[] 410 ANTITRUST
[] 150 RECOVERY OF	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL			[] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT			[] 450 COMMERCE
ENFORCEMENT	LIABILITY	LIABILITY			[] 460 DEPORTATION
OF JUDGMENT	[] 340 MARINE		PROPERTY RIGHTS		[] 470 RACKETEER INFLU-
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	PERSONAL PROPERTY	[] 820 COPYRIGHTS		ENCED & CORRUPT
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT		ORGANIZATION ACT
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		(RICO)
STUDENT LOANS	[] 355 MOTOR VEHICLE		[] 840 TRADEMARK		[] 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY				[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL		SOCIAL SECURITY	
OVERPAYMENT	INJURY	PROPERTY DAMAGE	LABOR	[] 861 HIA (1395ff)	[] 850 SECURITIES/
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 862 BLACK LUNG (923)	COMMODITIES/
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	EXCHANGE
[X] 160 STOCKHOLDERS			[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	
SUITS		PRISONER PETITIONS	RELATIONS	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY
[] 190 OTHER	ACTIONS UNDER STATUTES	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT		ACTIONS
CONTRACT	CIVIL RIGHTS	[] 510 MOTIONS TO	[] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
[] 195 CONTRACT		VACATE SENTENCE	LEAVE ACT (FMLA)	[] 870 TAXES (U.S. Plaintiff or	
PRODUCT		28 USC 2255		Defendant)	[] 893 ENVIRONMENTAL
LIABILITY		[] 530 HABEAS CORPUS	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	MATTERS
[] 196 FRANCHISE		[] 535 DEATH PENALTY	LITIGATION	26 USC 7609	[] 895 FREEDOM OF
		[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC		INFORMATION ACT
			SECURITY ACT (ERISA)		[] 896 ARBITRATION
REAL PROPERTY			IMMIGRATION		[] 899 ADMINISTRATIVE
[] 210 LAND	[] 441 VOTING	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		PROCEDURE ACT/REVIEW OR
CONDEMNATION	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	APPLICATION		APPEAL OF AGENCY DECISION
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION		
[] 230 RENT LEASE &	ACCOMMODATIONS	[] 560 CIVIL DETAINEE	ACTIONS		[] 950 CONSTITUTIONALITY OF
EJECTMENT	[] 445 AMERICANS WITH	CONDITIONS OF CONFINEMENT			STATE STATUTES
[] 240 TORTS TO LAND	DISABILITIES -				
[] 245 TORT PRODUCT	EMPLOYMENT				
LIABILITY	[] 446 AMERICANS WITH				
[] 290 ALL OTHER	DISABILITIES -OTHER				
REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Gregory H. Woods DOCKET NUMBER 1:18-cv-11603

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN *x* IN ONE BOX ONLY)**ORIGIN**

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.
 ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN *x* IN ONE BOX ONLY)**BASIS OF JURISDICTION****IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Chantelle Kreutter, 100 S Clarkson St, Apt 402, Denver, CO

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

TELADOC HEALTH, INC. - 2 Manhattanville Road, Suite 203, Purchase, New York 10577,
Westchester County, NY

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

/s/ Timothy Brown

DATE 6/21/2019 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. April Yr. 2008)

Attorney Bar Code # TB1008

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

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